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| Joseph T Leone Intellectual Property Department Dewutt Ross & Stevens SC | | | EXAMINER | |
| | | | SWARTZ, RODNEY P | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary Common Summary | | 1 A - 12 - 42 - A1 | I A P | | | | |
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| Examiner Rodrey P. Swartz, Ph.D. 1945 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION Extractive or time may be selected under the provision of 37 CFR 1.136(a). In no word, however, may a reply be firmely filed 11 to period for may be period as the size than the condition of the period of the provision of 37 CFR 1.136(a). In no word, however, may a reply be formly filed 11 to period for may be period as the size than the provision of 37 CFR 1.136(a). In no word, however, may a reply be formly filed 11 to period for may be period as the size than the provision of the period of the peri | | Application N . | Applicant(s) | | | | |
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| THE MAILING DATE OF THIS COMMUNICATION. - Excessions of sime may be available under the provisions of 30 FCR 1.33(a). In no event, however, may a reply bet limely filed after SK (8) MCNTHS from the making date of this communication. The provision of the provision of the communication of the provision of the pr | | | | | | | |
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| 3 | 1) Responsive to communication(s) filed on <u>26M</u> | <u>larch2003</u> . | | | | | |
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DETAILED ACTION

1. Applicant's Response to Office Action, received 26March2003, paper#17, is acknowledged. Claims 1, 3, 4, 9, 10, 11, 12, and 13 have been amended. New claims 16, 17, and 18 have been added.

2. Claims 1-18 are pending and under consideration.

Rejections Withdrawn

- 3. The provisional rejection of claims 1, 2, 4, 5, 6, 10, 11, and 12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 13-17, 20-29, 32-41, and 44-51 of copending Application No. 09/269,607, is withdrawn in light of the submitted Terminal Disclaimer.
- 4. The rejection of claims 1-3 and 5-8 under 35 U.S.C. 112, first paragraph, scope of enablement for purified/isolated individual antigens of *Acinetobacter calcoaceticus*, or for diagnosis of other de-myelinating diseases, is withdrawn in light of the claim amendments.

Rejections Maintained

5. The rejection of claims 4, 9-16, and 18 under 35 U.S.C. 112, first paragraph, scope of enablement for purified/isolated individual antigens of *Acinetobacter calcoaceticus*, or for diagnosis of other de-myelinating diseases, is maintained for reasons of record.

Newly added claims 16-18 would have been included in the original rejection of claims 4, and 9-5 for the same reasons put forth in the original rejection. Therefore, the claims are included in this final rejection.

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Applicants argue that in light of the submitted Rule 132 Declaration of inventor Alan Ebringer, the rejection is obviated.

The examiner has considered applicants' argument, but does not find it persuasive because the Rule 132 Declaration is defective due to a lack of signature or date.

Conclusion

- 6. Claims 4, 9-16, and 18 are finally rejected. Claims 1-3, 5-8, and 17 are free of prior art of record.
- 7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney P. Swartz, Ph.D., whose telephone number is (703) 308-4244. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM EST.

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If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Lynette F. Smith, can be reached on (703)308-3909. The facsimile telephone number for the Art Unit Group is (703)308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703)308-0196.

RODNEY P SWARTZ, PH.D PRIMARY EXAMINER Art Unit 1645

June 16, 2003